

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 25, 2006

H028471 PEOPLE v. ORMONDE

By the Court:

Pursuant to California Rules of Court, rule 978, the request for publication is hereby granted. It is ordered that the opinion in this matter, which was filed on August 25, 2006, shall be certified for publication.

(McAdams, J., Elia, Acting P.J., Mihara, J.)

Filed September 25, 2006

The following case is submitted this date:

H028573 BETTIO v. DEPARTMENT OF MOTOR VEHICLES

TUESDAY, SEPTEMBER 26, 2006

The following cases are submitted this date:

H029066 MOORE v. LAMARQUE, et al.

H023158 CITY OF MARINA, et al. v. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

H023778 BIG CREEK LUMBER CO., et al. v. COUNTY OF SANTA CRUZ, et al.

H028698 PEOPLE v. NICHOLSON

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed September 26, 2006

H029382 In re SAUERS on Habeas Corpus

The order granting the petition for writ of habeas corpus is reversed. The superior court is directed to enter an order denying the petition. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Duffy, J.)

Filed September 26, 2006

H029134 MCLEROY et al. v. WESTERN PACIFIC HOUSING, INC., et al.

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed September 26, 2006

H028504 SILVA v. SILVA

The trial court's order dated December 28, 2004 is reversed. The matter is remanded to the trial court for further proceedings consistent with the views expressed herein. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed September 26, 2006

Sixth Appellate District

San Jose, California

Tuesday, September 26, 2006 (continued)

H029892 PEOPLE v. SLATER

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated August 4, 2006, is hereby vacated. The court by separate letter issued September 25, 2006, has requested supplemental briefing from the parties. The cause will be resubmitted after oral argument or waiver of argument.

Dated: September 26, 2006

Mihara, Acting P.J.

WEDNESDAY, SEPTEMBER 27, 2006

H029508 HOLLIDAY on Habeas Corpus

The September 22, 2005 order granting petitioner's November 4, 2004 petition for writ of habeas corpus is reversed. The matter is remanded to the trial court with directions to deny the petition. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed September 27, 2006

H028876 PEOPLE v. BUENO

The trial court is directed to prepare an amended abstract of judgment reflecting that appellant was convicted by a jury and to transmit a certified copy of the abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed September 27, 2006

THURSDAY, SEPTEMBER 28, 2006

H028573 BETTIO v. DEPARTMENT OF MOTOR VEHICLES OF THE STATE OF CALIFORNIA

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed September 28, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Lanae Brooks, Deputy Clerk.

H028926 PEOPLE v. MOHUNDRO

Cause called and argued by Arthur Dudley appearing for Appellant and by Ann P. Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, September 28, 2006 (continued)

H028925 PEOPLE v. GONZALEZ

Cause called and argued by Meredith Fahn appearing for Appellant and by Sara Elizabeth Turner, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028483 PEOPLE v. RESTO

Cause called and argued by Jeremy D. Blank appearing for Appellant and by Mark S. Howell, Deputy Attorney General, appearing for Appellant. Cause ordered submitted.

H029001 PEOPLE v. LAIWALA

Cause called and argued by Sadrudin Laiwala appearing in propria persona and by Morris Lenk, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028538 REINHARD v. OZ OPTICS, LTD, et al.,

Cause called and argued by Ryan Keon appearing for Appellants and by Gary W. Sullivan appearing for Respondent. Cause ordered submitted.

H028537 THOMPSON v. LEGAL AID SOCIETY OF SANTA CLARA COUNTY, et al.

H028765 THOMPSON v. LEGAL AID SOCIETY OF SANTA CLARA COUNTY, et al.

Causes called and argued by John Marshall Collins appearing for Appellants and by James McNair Thompson appearing for Respondent. Causes ordered submitted. Court is adjourned.

H029533 PEOPLE v. PIMENTAL

The Court is directed to modify the judgment and award defendant 430 custody credits: 374 credits for actual time served and 56 conduct credits. The court is directed to modify the judgment further by striking the \$3,000 restitution fine imposed at the October 21, 2005 sentencing hearing. The \$200 restitution fine imposed on May 13, 2004, remains in force. The court is also directed to modify the judgment by reducing the parole revocation restitution fine from \$3,000 to \$200. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and to deliver it to the Department of Corrections. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed September 28, 2006

Sixth Appellate District

San Jose, California

Thursday, September 28, 2006 (continued)

H028971 PEOPLE v. HOOKS

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed September 28, 2006

H029842 In re DONALD SCHMIDT on Habeas Corpus

The order of January 26, 2006, granting respondent Schmidt's petition for a writ of habeas corpus is reversed and the matter is remanded to the trial court with instructions to vacate its order reinstating the June 21, 2005, parole release order and to issue a new order remanding the matter to the Parole Board (now the Board of Parole Hearings) for further proceedings in accordance with due process and the views expressed in this opinion. The stay issued February 22, 2006, is vacated.
(published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed September 28, 2006

The following cases are submitted this date:

H029714 GUY v. ACTIVE PLASTICS INC.; ACE AMERICAN INSURANCE COMPANY

H029318 ASTRIN v. APPLE COMPUTER, INC.

H028957 PRINCE v. PACIFIC GAS & ELECTRIC COMPANY

FRIDAY, SEPTEMBER 29, 2006

H029358 PEOPLE v. ESQUIVEL

By the Court*:

Appellant's petition for rehearing is denied.
Filed: September 29, 2006
*Before Rushing, P.J., Premo, J. and Elia, J.

H029711 In re JOSHUA F.; DFCS v. JESSICA P.

We affirm the jurisdictional and dispositional orders entered in October 2005. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed September 29, 2006